

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

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CRIMINAL ACTION NO. 6:08cr102

v.

JAMES EARL FAY

ORDER

The above entitled and numbered criminal action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b)(3). The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The parties have made no objections to the Report and Recommendation.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. It is therefore ORDERED that the Defendant's plea of guilty is accepted and approved by the Court. Accordingly, the Court finds the Defendant guilty of Count Two of the Indictment. Finally, the plea agreement is approved conditioned upon a review of the presentence report.

So ORDERED and SIGNED this 13th day of February, 2009.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized initial "L".

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**